

REMARKS

This paper is responsive to the Non-Final Office Action dated February 28, 2006. Claims 1–45 were examined.

In the present Office Action: claims 1–9 and 25–45 were allowed and claims 11–16 and 18–24 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form. Applicants would like to thank the Examiner for identifying the allowable subject matter of claims 1–9, 11–16, and 18–45. Claims 10 and 17 were objected to for lacking a preamble, and were further rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0192020 (hereinafter “Collins”) in view of U.S. Patent No. 5,355,321 (hereinafter “Grodstein”). Applicants respectfully traverse the objections and rejections below.

***Claim Rejections—35 USC § 103(a)***

Claims 10 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Collins in view of Grodstein. Claim 10 has been *anceled*. Applicants respectfully traverse the rejection of claim 17.

*Claim 17*

In rejecting claim 17, the Office asserts that “Collins teaches a ‘ technique for use in static timing analysis of a circuit employing a transmit clock and a receive clock having different frequencies ..., the technique to determine a test edge difference corresponding to worst case slack without enumerating triggering events of the transmit clock and the receive clock, ’” where the text in internal quotation marks is identical to the text of Applicants’ claim 17, and directs Applicants’ attention to Figures 1 and 4, and paragraphs 42 and 43 of Collins for the support.

Applicants respectfully disagree with this interpretation of the teaching of Collins.

In paragraph 42, Collins describes the pair of signal traces in Figure 4. Assuming there are no latches along the analysis path, Collins unrolls, or enumerates, the first five triggering events (rising edges) of signal A and the first three rising edges (triggering events) of signal B. These events are labeled, respectively: C1, C1', unnamed, C1'', unnamed; and C3, C3', and C3''. Collins then compares the slack times between triggering events from the different signals to determine the worst case among the enumerated pairs. Collins refers to this process as "walking" in paragraph 46, but the process appears to Applicants to be identical to that described in their own background section at paragraphs 1010 through 1014.

Given that Collins does not teach the limitation of Applicants' claim 17 of a "technique to determine a test edge difference corresponding to worst case slack **without enumerating triggering events**" (emphasis added), Applicants respectfully submit that no prima facie case for obviousness has been made, and urge the Office to withdraw its rejection accordingly.

### *Allowable Subject Matter*

#### *Claims 11–16*

Claims 11–16 were objected to as being dependent upon rejected base claim 10, but were indicated to be allowable if rewritten in independent form. Claim 11 has been *rewritten* in independent form, and has been *amended* to incorporate all the limitations of now-*canceled* claim 10 from which it depended. Original claims 12–16 depend from *amended* claim 11. Claims 11–16 no longer being dependent on a rejected claim, the Office is respectfully requested to withdraw its objections thereto.

#### *Claims 18–24*

Claims 18–24 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form.

Following arguments elsewhere in this response, Applicants believe that independent claim 17 is now in condition for allowance. Claims 18–24 now being dependent on allowable claim 17, Applicants respectfully request the Objection to them be withdrawn.

### ***Claim Objections—Lack of Preamble***

Claims 10 and 17 were objected to for lacking a preamble. Claim 10 has been *canceled*. Applicants respectfully traverse the objection to claim 17

MPEP § 608.01(m) states, in part, “[t]he form of claim required in 37 CFR 1.75(e) is *particularly adapted* for the description of *improvement-type inventions*” (emphasis added). That paragraph, in turn, begins, “(e) Where the nature of the case admits, *as in the case of an improvement*, any independent claim should contain in the following order: (1) A preamble comprising a general description of all the elements or steps of the claimed combination which are conventional or known,” (emphasis added).

Applicants find no requirement in either 37 CFR 1.75 or the MPEP that a claim must contain a preamble, particularly when it is not an improvement-type claim. Applicants therefore respectfully request that the requirement for inclusion of a preamble in claim 17 be withdrawn.

### ***Other Amendments***

#### ***Claims 19 and 25***

Claim 19 has been *amended* to correct a typographical error. Claim 25 has been *amended* to insert an inadvertently omitted word, whose absence is clear from the context of the rest of the phrase. No new matter is added by these amendments, nor is the meaning of the claims altered.

### ***Conclusion***

In summary, claims 1–9 and 11–45 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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Respectfully submitted,



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